

**REMARKS**

Upon entry of the proposed amendment, previously presented independent Claim 12, with Claims 13-20 depending therefrom will remain for consideration.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held May 31, 2006. The present response summarizes the substance of the interview. In the most recent Office Action the Examiner found a Declaration by Robert W. Jones under 37 CFR § 1.131, filed on May 1, 2006, to be insufficient to overcome a prior art rejection, based on what the Examiner determined Exhibit B of the Declaration to show. A personal interview was granted at the request of Applicant's representative for the purpose of demonstrating to the Examiner that the copy of a yard sign design, produced for Applicant's business by Judith Barrett Graphics, submitted as Exhibit B as part of the above-noted Declaration under 37 CFR 1.131, did in fact show the gutter filter described and claimed in the present application. In this regard, at the interview a file copy of the above-noted Exhibit B, from Applicant's patent application file maintained by Litman Law Offices, Inc., was presented for the Examiner to review. Applicant's representative emphasized to the Examiner that the Litman Law file copy was a copy of that which was filed as Exhibit B in the Declaration under § 1.131 by Mr. Jones. The Examiner agreed that the Litman Law file copy of the yard sign design did show a gutter section with a gutter filter having a truncated right triangular cross-section and a substantially triangular shaped void within the gutter. It was concluded that the PTO's document scanning process

had caused the image file wrapper version of the Exhibit B yard sign design to appear to show a gutter section completely filled with filter material, rather than the actual triangular cross-sectional configuration. The Examiner further indicated that this evidence should be presented as part of an official document, rather than part of a personal interview. Applicant's representative expressed concern that, should another copy of the yard sign design be filed with the PTO, the document scanning process would most likely cause the picture on the yard sign to appear to show a gutter filled with filter material, as before, and again not clearly show the triangular cross-sectional configuration of both the filter and the void. The Examiner indicated that he would be willing to accept a hand carried copy of a document, including the appropriate evidence, for the purpose of antedating the Groth et al. reference.

In the recent Office Action the Examiner rejected Claims 12, 13, 15-17, 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Dugan (US 3,855,132) in view of Groth et al. (US 6,932,911). Claim 14 was rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Dugan (US 3,855,132) in view of Groth et al. (US 6,932,911) and Etani (US 3,946,362). Claim 18 was rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Dugan (US 3,855,132) in view of Groth et al. (US 6,932,911) and Hunt (US 5,103,601).

Applicant respectfully traverses all of the rejections of the Claims based on the U.S. Patent to Groth et al. In this regard, Applicant has submitted herewith a supplemental declaration under 37 C.F.R. § 1.131 by Applicant's representative, Robert W. Gibson. The declaration by Mr. Gibson includes, *inter alia*, Exhibit D, a Litman Law Offices, Ltd. file copy of the Robert W. Jones Declaration under 37 C.F.R. § 1.131 filed May 1, 2006, and presented for Examiner Drodge's review at the personal interview conducted May 31, 2006.

The declaration by Mr. Jones includes, *inter alia*, Exhibit B, which is a copy of a of a yard sign designed for Applicant's company by Judith Barrett Graphics of Alexandria, VA. The yard sign shows a picture of a model of Applicant's claimed invention. This is the model submitted to Litman Law Offices, Ltd. by Mr. Jones, on or about March 19, 2003 as part of a disclosure of his invention for the purposes of having a preliminary patentability search conducted (See: DECLARATION UNDER 37 C.F.R. § 1.131, filed September 24, 2005, and Exhibit D attached thereto). The model shown in the photographs of Exhibit B of the § 1.131 Declaration by Mr. Jones is also the model that was demonstrated and shown to Examiner Joseph W. Drodge at the personal interview conducted June 1, 2005 and attended by Applicant's representatives Warren S. Edmonds and Robert W. Gibson.

In the most recent Office Action, the Examiner indicated that the "Declaration filed on May 1, 2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the Groth et al. reference (Final Office Action, p. 2, lines 1-2)." However, Applicant contends that the present § 1.131 Declaration by Robert W. Gibson, when taken in conjunction with § 1.131 supplemental Declaration by Mr. Jones filed May 1, 2006, the § 1.131 supplemental declaration by Richard C. Litman, filed on December 19, 2005, and the declaration under 37 C.F.R. § 1.131 filed on September 24, 2005 by inventor Robert W. Jones, clearly establishes that the presently claimed invention was conceived and reduced to practice prior to the effective filing date of the Groth et al. patent, thereby rendering moot the application of the Groth et al. reference as prior art against Applicant's claimed invention. Thus, Applicant respectfully requests reconsideration and withdrawal of the rejections of Claims 12-20 under 35 U.S.C. § 103(a) as being unpatentable over a combination of references, Dugan, Groth et al, Etani and Hunt, wherein the Goth et al. reference is applied as a reference in each of the rejections.

*Application No.: 10/751,510*  
*Art Unit: 1723*

*Attorney Docket No. 14991.01*  
*Confirmation No. 3347*

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert W. Gibson". The signature is fluid and cursive, with the first name "Robert" and last name "Gibson" clearly distinguishable.

Robert W. Gibson  
Litman Law Offices, Ltd.  
Registration No. 57,145  
(703) 486-1000

RWG/dht

Attachments: Declaration under 35 CFR § 1.131 by Robert W. Gibson  
Exhibits D and E